

# Memorandum



**Date:** August 29, 2013

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name.

Special Item No. 2

**Subject:** Recommendation for Resolving the Collective Bargaining Impasse Between Miami-Dade County and the American Federation of State, County and Municipal Employees, Solid Waste Employees, Local 3292

## **Recommendation**

It is recommended that the Board of County Commissioners (Board) resolve the Collective Bargaining Impasse between Miami-Dade County and the American Federation of State, County and Municipal Employees, Solid Waste Employees (AFSCME), Local 3292 (Union), by approving the continuation of concessions in the form of suspension of Leadworker pay, change in the calculation of overtime from daily to weekly, suspension of Safety Incentive/Bonus Plan, reduction in the annual Uniform Allowance from \$250 to \$125, one (1) pay step reduction to the Night Shift Differential; suspension of Safe Driving Awards, suspension of a one (1) pay step supplement for Trash Truck Driver 1 – Roll Off Vehicle and the \$20 flat rate for Waste Equipment Operators negotiated into the parties' 2011-2014 Collective Bargaining Agreement.

## **Scope**

The impact of this agenda item is countywide.

## **Fiscal Impact/Funding Source**

The FY 2013-14 Proposed Budget is predicated upon the continuation of the five percent (5%) contribution of employee's base wages towards the County's cost of healthcare as well as concessions in the form of suspension of Leadworker pay, change in the calculation of overtime from daily to weekly, suspension of Safety Incentive/Bonus Plan, reduction in the annual Uniform Allowance from \$250 to \$125, one (1) pay step reduction to the Night Shift Differential; suspension of Safe Driving Awards, suspension of a one (1) pay step supplement for Trash Truck Driver 1 – Roll Off Vehicle and the \$20 flat rate for Waste Equipment Operators implemented as a result of the 2011-2014 Collective Bargaining Agreement. If these concessions do not continue, specific to AFSCME Local 3292, the fiscal impact to the FY 2013-14 Proposed Budget is \$1.4 million; \$1.1 million for the five percent (5%) employee base wage contribution and \$303,000 for the reopeners referenced in the Impasse Section of this memorandum.

During negotiations, the Administration proposed concessions and the contribution of five percent (5%) of base wages be kept in place in light of our continued budgetary challenges. The Administration's position to retain the current concessions is based on its commitment to maintain the current level of service throughout FY 2013-14.

The Union disagrees with this proposal. The parties have agreed to submit their dispute directly to the Board as an impasse item for resolution in accordance with State law.

## **Track Record/Monitor**

The Director of Labor Management and Compensation, Michael Snyder, monitors and oversees the administration of this Collective Bargaining Agreement.

**Background**

On January 12, 2012, the Board ratified the successor 2011-14 Collective Bargaining Agreement between AFSCME Local 3292 and the County. This Agreement, in-part, provided for the following:

- suspension of Leadworker pay;
- change in the calculation of overtime from daily to weekly;
- suspension of Safety Incentive/Bonus Plan;
- reduction in the annual Uniform Allowance from \$250 to \$125;
- one (1) pay step reduction to the Night Shift Differential;
- suspension of Safe Driving Awards; and
- suspension of a one (1) pay step supplement for Trash Truck Driver 1 – Roll Off Vehicle and the \$20 flat rate for Waste Equipment Operators.

These agreed to concessions were implemented and benefits reduced through September 30, 2014. However, either party had the right to reopen the Agreement to negotiate whether these concessions would continue in the third year of the Collective Bargaining Agreement (FY 2013-14) by scheduling negotiations beginning on June 4, 2013 and continuing through July 8, 2013. Additionally, the monies comprising the healthcare contribution was to be reinstated effective January 1, 2014, but the County had the right to reopen this provision for the purpose of negotiating whether the employee contribution will be continued. In the event that agreement on continuation of the above-described concessions and the continued contribution to the cost of healthcare could not be reached, the collective bargaining agreement provides that the Special Magistrate process be waived and that the dispute be submitted to the Board at the second regular meeting in July 2013.

**Impasse**

The parties are at impasse over the continuation of the employees' five percent (5%) healthcare contribution effective January 1, 2014 and the other above-described concessions through the third year of the 2011-14 Collective Bargaining Agreement. The parties have agreed to waive the Special Magistrate process and submit their dispute directly to the Board for resolution. As such, the Administration is presenting to the Board its recommendation to continue these employee concessions through September 30, 2014.

This recommendation is not made lightly. The continuation of the five percent (5%) healthcare contribution and the other concessions will continue to have a financial impact on employees, but they are necessary in order to maintain the same service levels at our current projected revenues. The County's FY 2013-14 Proposed Budget assumes that all union concessions will continue for FY 2013-14. Potential impacts can be mitigated by adopting the Administration's impasse recommendation.

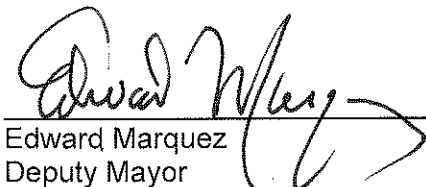
Under Florida law, the action taken by the Board will be presented to the bargaining unit members for a ratification vote. A successful ratification vote will result in the continuation of the five percent (5%) healthcare contribution effective January 1, 2014 and the other described concessions for the third year of the Collective Bargaining Agreement. If the bargaining unit fails to ratify the action taken by the Board at impasse, the decision of the Board will be imposed for one year.

Below is a summary of the contractual changes affecting the employees covered by this Collective Bargaining Agreement. The terms of these changes do not affect employees' base pay and employees will continue to be eligible for merit increases and longevity bonuses during the third year of the Agreement. Upon ratification or implementation of the Collective Bargaining Agreement, the following provisions will continue:

**Term of Agreement**

This is a three year contract for the period of October 1, 2011 through September 30, 2014.

- **Wages**
  - All employees in Bargaining Unit classifications will continue to contribute five percent (5%) of base wages towards the County's cost of healthcare as of January 1, 2014.
- **Leadworker**
  - The Leadworker supplement of one (1) pay step will continue to be suspended through September 30, 2014.
- **Overtime**
  - Work performed by non-job basis (hourly) employees in excess of 40 hours of straight time work per week will be paid at the overtime rate. This provision will be continued through September 30, 2014. This overtime calculation complies with the provisions of the Fair Labor Standards Act (FLSA).
- **Safety Incentive/Bonus and Safe Driving Awards**
  - Safety Incentive/Bonus and Safe Driving Awards will continue to be suspended through September 30, 2014.
- **Uniform Allowance**
  - The annual Uniform Maintenance Allowance will continue to be reduced from \$250 to \$125 through September 30, 2014.
- **Night Shift Differential**
  - Night Shift Differential pay will be reduced from two (2) pay steps to one (1) pay step through September 30, 2014.
- **Other Special Wage Provisions**
  - The one pay step supplement for Trash Truck Driver 1 – Roll Off Vehicle and the \$20 flat rate for Waste Equipment Operator will continue to be suspended through September 30, 2014.

  
Edward Marquez  
Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** August 29, 2013

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Special Item No. 2

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☒ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Special Item No. 2  
8-29-13

RESOLUTION NO. \_\_\_\_\_

RESOLUTION RESOLVING COLLECTIVE BARGAINING  
IMPASSE BETWEEN MIAMI-DADE COUNTY AND THE  
AMERICAN FEDERATION OF STATE, COUNTY AND  
MUNICIPAL EMPLOYEES, SOLID WASTE EMPLOYEES,  
LOCAL 3292

**WHEREAS**, Miami-Dade County and the American Federation of State, County and Municipal Employees, Solid Waste Employees, Local 3292 entered into a collective bargaining agreement for the period 2011-2014; and

**WHEREAS**, the parties' agreement includes reopeners regarding the continuation of certain economic concessions contained in Article 23 Leadworker, Article 36 Overtime Compensation, Article 41 Wages, Article 39 Safety Incentive/Bonus Plan, Article 43 Uniforms, Article 48 Night Shift Pay Differential, Article 50 Safe Driving Awards, and Article 69 Special Wage Provisions, of the Agreement; and

**WHEREAS**, the County and Local 3292, have negotiated for a reasonable period of time on whether the continuation of concessions implemented as a result of the 2011-2014 Collective Bargaining Agreement would continue in the third (3rd) year of the Agreement (FY 2013-14); and

**WHEREAS**, the parties have reached an impasse in their negotiations on nine (9) items: the continuation of the five percent (5%) contribution of employee's base wages towards the County's cost of healthcare, the suspension of Leadworker pay, the change in the calculation of overtime from daily to weekly, the suspension of Safety Incentive/Bonus Plan, a reduction in the annual Uniform Allowance from \$250 to \$125, a one (1) pay step reduction to the Night Shift

Differential, the suspension of the Safe Driving Awards, and a suspension of a one (1) pay step supplement for Trash Truck Driver 1 – Roll Off Vehicle, and the \$20 flat rate for Waste Equipment Operators; and

**WHEREAS**, the parties have jointly agreed in writing to waive the appointment of a special magistrate and proceed directly to resolution of the impasse by the Board of County Commissioners; and

**WHEREAS**, this Board has conducted a public hearing at which the parties were required to explain their positions regarding the impasse in negotiations; and

**WHEREAS**, this Board, pursuant to Fla. Stat. Sec. 447.403, is required to take such action as it deems to be in the public interest, including the interest of the public employees involved, to resolve the disputed impasse issues,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board approves and ratifies the County Mayor's recommendations for settling the collective bargaining impasse for the reasons set forth in the County Mayor's Memorandum. The Mayor or his designee on behalf of the County and the American Federation of State, County and Municipal Employees, Solid Waste Employees, Local 3292 shall reduce to writing an agreement which includes those issues previously agreed to by the parties and the disputed impasse issues resolved herein. The written agreement shall be signed by the County Mayor and submitted to the bargaining unit for signature and ratification. A successful ratification vote will result in the continuation of the described concessions for the third (3rd) year of the 2011-14 Agreement. If the bargaining unit fails to ratify the action taken by the Board at impasse, the decision of the Board will be imposed for one (1) year from the date of this resolution.

The foregoing resolution was offered by Commissioner  
who moved its adoption. The motion was seconded by Commissioner  
and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman

Lynda Bell, Vice Chair

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

Esteban L. Bovo, Jr.

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 29<sup>th</sup> day of August, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Lee Kraftchick